

Docket No. 740756-2435
Serial No. 10/073,284
Page 15

REMARKS

The Office Action of November 15, 2006, was received and reviewed. The Examiner is thanked for considering the application. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Prior to this Amendment, claims 50-52, 54-56 and 62-91 were pending in the instant application. By this Amendment, claims 50, 52, 54-56, 62, 64-65, 67-68, 70, 72, 74-80, and 82-91 have been amended. Accordingly, claims 50-52, 54-56, 62-91 are pending, of which claims 50, 52, 62, 65, 68, 70, 72, 74, 76, 78 and 80 are independent.

As an initial matter, Applicants thank the Examiner for indicating claims 62-91 as allowed during the teleconference of February 6, 2007.

Claims 52 and 56 stand rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in combination with Yamada (U.S. Patent No. 6,246,179), Inoue et al. (U.S. Patent No. 6,218,206 – hereafter Inoue), So et al. (U.S. Patent No. 5,853,905 – hereafter So), Garcia et al. (U.S. Patent No. 6,308,369 – hereafter Garcia), Farber et al. (U.S. Patent No. 6,187,684 – hereafter Farber) and further in view of Satoh et al. (U.S. Patent No. 4,819,334 – hereafter Satoh) and Sakata et al. (U.S. Patent No. 6,120,584 – hereafter Sakata). The rejection is a repeat of the rejection in the Office Action mailed March 22, 2006.

Further, claims 54-55 stand rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in combination with Yamada, Inoue, So, Garcia, Farber, Satoh, Sakata and further in view of Montgomery et al. (U.S. Patent Application Publication No. 2002/0071995 – hereafter Montgomery). This rejection is a repeat of the rejection issued in the Office Action mailed March 22, 2006. The obviousness rejections are respectfully traversed at least for the reasons provided below.

Initially, Applicants have amended the claims, as shown above, to further clarify the claim language and to further distinguish over the cited prior art references. AAPA in combination with Yamada, Inoue, So, Farber, Satoh, and Sakata, and Montgomery however, fail to render the claimed invention unpatentable. Each of the claims recite specific combinations of features that distinguish the invention from the prior art in different ways. For example, independent claim 52 recites a combination that includes, among other things:

10312476.1

BEST AVAILABLE COPY

Docket No.740756-2435
Serial No. 10/073,284
Page 16

forming a thin film transistor over a substrate having an insulating surface . . . forming an interlayer insulating film over the thin film transistor . . . forming a wiring over the interlayer insulating film, the wiring being connected to the thin film transistor . . . forming a pixel electrode over the interlayer insulating film, the pixel electrode being connected to the wiring . . . forming a resin insulating film over the wiring, the pixel electrode and the interlayer insulating film . . . after forming the resin insulating film, forming a protective film over the resin insulating film, the protective film preventing the substrate over which the thin film transistor is formed from a contamination and an electrostatic discharge damage . . . after forming the protective film, moving the substrate over which the thin film transistor is formed from a first processing room to a second processing room,

(claim 52, ll. 3-16). At the very least, AAPA in combination with Yamada, Inoue, So, Farber, Satoh, and Sakata, whether each taken alone or in combination, fail to disclose or suggest any of these exemplary features recited in the independent claim 52.

The Examiner has failed to establish a *prima facie* case of obviousness for at least four reasons. First, the Examiner has not demonstrated how AAPA, Yamada, Inoue, So, Farber, Satoh, and Sakata, whether taken alone or in combination, disclose or suggest each and every feature recited in the claims. See M.P.E.P. § 2143 (7th ed. 1998). Second, the Examiner has not shown the existence of any reasonable probability of success in modifying AAPA, the base reference, based on the teachings of Yamada, Inoue, So, Farber, Satoh, and Sakata, the secondary references, in a manner that could somehow result in the claimed invention. See *id.* Third, the Examiner has not identified any suggestion or motivation, either in the teachings of the applied references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify AAPA in a manner that could somehow result in the claimed invention. See *id.* Finally, the Examiner has not explained how her obviousness rationale could be found in the prior art — rather than being a hindsight reconstruction of Applicants' own disclosure. See *id.* Each of the Examiner's factual conclusions must be supported by "substantial evidence" in the documentary record, as required by the Federal Circuit. See *In re Lee*, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2002). The Examiner has the burden of documenting all findings of fact necessary to support a conclusion of anticipation or obviousness "less the 'haze of so-called expertise' acquire insulation from accountability." *Id.* To satisfy this burden, the Examiner must specifically identify where support is found within the prior art to meet the requirements of 35 U.S.C. §§ 102(b) and 103. In this case, however, the Examiner has failed to satisfy his burden of

10312476.1

Docket No.740756-2435
Serial No. 10/073,284
Page 17

demonstrating how AAPA, taken alone or in combination with Yamada, Inoue, So, Farber, Satoh, and Sakata, can either anticipate or render obvious each and every one of the limitations present in independent claim 52 as required by the MPEP and Federal Circuit jurisprudence.

As submitted in the Amendment filed January 3, 2006, the application of Satoh is improper. In this Amendment, Applicants respectfully re-iterate that the application of Satoh in the pending rejections is still improper for the reasons provided below. In order to keep this Response concise, Applicants remarks in the Amendment filed January 3, 2006 are not repeated but are incorporated herein by reference.

Applicants note that the independent claim recites a feature of forming a resin insulating film over a wiring, the pixel electrode, and an interlayer insulating film . . . after forming the resin insulating film, forming a protective film (emphasis added) over the resin insulating film, the protective film preventing the substrate over which the thin film transistor is formed from a contamination and an electrostatic discharge damage.”

Further, Applicants respectfully note that an advantage provided by the invention is that the protective film and the resin insulating film can prevent a substrate over which the thin film transistor, the wiring, and the pixel electrode are formed from a problem such as contamination and electrostatic discharge damage.

On the other hand, although Satoh discloses that the protective film 10 is used for preventing an element formed over the substrate 1 from contamination, Satoh does not teach, disclose or suggest the film corresponding to the resin insulating film of the claimed invention because the film 5 of Satoh is patterned before forming the protective film 10. Therefore, Satoh teaches away from the claimed invention. In view of the above, Applicants respectfully assert that the rejections applying Satoh are not appropriate.

Further, Applicants respectfully assert that there is no motivation for combining the references, including, for example, Sakata and Satoh. Although Sakata recognizes a problem occurred in the half-finished substrate and provide a filter for a clean room, Sakata does not recognize the problem of electrostatic discharge damage and doesn't intend to prevent the problems of contamination and electrostatic discharge damage by forming a film over the thin film transistor, the wiring, and the pixel electrode as recited in the claims. Thus, there is no motivation for applying Satoh's protective film 10 to Sakata et al. One having ordinary

10312476.1

Docket No.740756-2435
Serial No. 10/073,284
Page 18

skill in the art at the time of the invention would not even consider making the Examiner's imagined modifications because Satoh explicitly teaches away from the claimed invention, as discussed above. Indeed, the Examiner's fictitious changes would impermissibly: (1) render Satoh unsatisfactory for its intended purposes; and (2) change the principles of operation of the Satoh method. The MPEP specifically states that if the "proposed modification would render the prior art unsatisfactory for its intended purpose" or "change a principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." M.P.E.P. § 2143.01 at 112-13 (7th ed. 1998). Accordingly, it is only through hindsight afforded by Applicant's own disclosure that the Examiner can even assert that the applied references suggest the claimed invention. Such hindsight determinations are impermissible under 35 U.S.C. § 103. Therefore, Applicants respectfully assert that the rejections applying Sakata and Satoh are not appropriate.

For at least these reasons, AAPA, as proposed to be repeatedly modified by the teachings of Yamada, Inoue, So, Farber, Satoh, and Sakata all fail to disclose or render obvious each and every element recited in independent claim 52.

No prior art was cited against pending claims 50-51 in the previous Office Action mailed November 15, 2006. Hence, it is presumed that these claims are allowed over the prior art.

Claims 54-56 depend directly or indirectly from independent claim 52 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 52.

In addition, each of these dependent claims also recite combinations that are separately patentable.

In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicant therefore request the entry of this response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

10312476.1

BEST AVAILABLE COPY

Docket No. 740756-2435
Serial No. 10/073,284
Page 19

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicant in no way intends to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 585-8316.

Respectfully submitted,

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